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## CONGRESSIONAL RECORD — SENATE

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under the Area Redevelopment Administration or other Federal aid program. This legislation should not be the vehicle for authorizing Federal grants to improve economic conditions not resulting from the Kinzua Dam and Reservoir project. Also, the committee believes the \$2,300,000 sought for educational programs is out of line with previous settlements and that a resurvey of congressional villages, while it may be desirable, has no connection with the taking of land for the Kinzua Reservoir.

In recent years Congress has enacted several statutes to pay tribes and individual Indians along the Missouri River for lands taken in connection with Fort Randall, Oahe, and Big Bend Reservoirs. Tens of thousands of acres set aside for them by treaty have been taken for these projects, and in each case special rehabilitation funds have been made available to aid them in adapting to a new and different way of life. The most generous settlements to date have been made with the Lower Brule and the Crow Creek Tribes of South Dakota. Because two separate and distinct takings were made on these reservations, a rehabilitation program almost double the previous high was paid to the Indians. On a per capita basis those payments amounted to \$2,250 for every Indian living on or off the reservation. In the Seneca case, the committee's recommendations amount to a \$2,250 payment for the 1,103 Indians residing on the Allegany Reservation. It further recommends the equivalent of a \$1,200 payment for the other 3,000 Seneca Indians whether they live on the Cattaraugus Reservation or completely off the reservations. This latter sum is equal to the amount paid the Standing Rock Sioux Tribe in the rehabilitation program authorized under Public Law 85-915.

The committee notes the fact that the per capita income of the Seneca Tribe is substantially higher than that of most Indians residing in the West and that the need for a rehabilitation program in New York is considerably less than in other areas of the country. By authorizing a rehabilitation program as large as any heretofore approved, it is believed that this settlement is a generous one.

Under the substitute language recommended in section 4, the Senecas will be able to construct new homes to relocate those families forced to move from the reservoir area. They will be able to build roads, utilities, community buildings and facilities, and develop industrial and recreational resources on the reservations. They will also be able to formulate plans for economic, social and educational assistance to individuals and families whether living on or off the Allegany Reservation.

A third substantive amendment recommended by the committee adds a new Section 18 to the bill to provide that within 2 years following the date of enactment of H.R. 1794, the tribal council of the Seneca Nation will submit to the Secretary of the Interior proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe within a reasonable time thereafter. Within 90 days after the tribe submits its proposed legislation, the Secretary of the Interior shall submit the proposal to the Congress for its consideration.

In 1948 the Bureau of Indian Affairs closed its office at Salamanca, N.Y., that served the Indians in that area. All the ordinary services provided to other citizens by the State of New York and its subdivisions, such as education, welfare, and law and order, were extended to the Senecas, and there was very little reason for the Bureau of Indian Affairs to retain any local connection with the Nation. In 1953, by the adoption of House Concurrent Resolution 108, Congress declared that—

"At the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of \* \* \* New York \* \* \* should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians."

The resolution also directed the Secretary of the Interior to prepare legislative recommendations to carry out the purposes of the resolution. Subsequently, the Secretary forwarded legislation to Congress, but it failed of enactment.

The passage of H.R. 1794 with a rehabilitation program that would require approval of expenditure of funds by the Secretary will necessitate continued supervision through the Bureau of Indian Affairs. The committee does not believe the Bureau should return to the Seneca Reservation area on a long-term basis in view of the fact that for 16 years these Indians have been recognized as competent and able to handle their own affairs without further Federal assistance. The directive in section 18 requires that the tribe submit a proposed plan for the disposition and use of its land and other assets so that the Federal Government may withdraw from supervision of the tribe altogether at plan and proposed legislation will be the subject of committee hearings before a final program is enacted.

## MISCELLANEOUS PROVISIONS

In section 2 the committee has struck the words "difficulty or impossibility" where they appear in connection with developing subsurface resources. It is believed that these terms do not properly describe the purpose for which a portion of the compensation paid to the tribe is being made, and therefore the word "expense" has been substituted.

A new subsection (f) has been added to section 2 at the request of the Corps of Engineers. The purpose and intent of the amendment is spelled out in the letter to the chairman of the Subcommittee on Indian Affairs which is included in this report.

Section 3, subsections (a), (c), and (d), deal with the distribution of moneys received by the nation among individual members who had use rights in the land within the reservoir area, who have improvements on such land, and who have to move to another location. (The sums mentioned in this section are not additional to the sums for which provision is made in sec. 2 but are part of the latter.) If any individual member is dissatisfied with the amount tendered him for his use rights or improvements, opportunity is provided in sections 11 and 12 for him to refuse the tender and to litigate the issue. Appropriate adjustments will then be made in the amount paid the nation under section 2.

The \$6,116,550 allowed in section 4 will not be paid over directly to the Seneca Nation immediately upon appropriation. It will, rather, remain in the Treasury to the credit of the nation until expended for purposes approved by the Secretary of the Interior and will, while in the Treasury, draw interest at the rate of 4 percent per annum.

Section 5 provides for the relocation of graves within the taking area. This is a normal expense of constructing any public project where a cemetery has to be moved. This section also provides that the Secretary of the Army will set up a trust fund amounting to \$14.40 for each grave for perpetual care. It is estimated that the cost which will be incurred pursuant to this section will amount to about \$643,240.

Since the United States is acquiring only easements in the land within the reservoir area the Senecas will, of course, retain all rights not acquired by the Government. This is spelled out in sections 6 and 9 of the bill. Section 9, however, also requires that

the nation provide free public access to the shoreline of the reservoir and provides that any use by the public of its water area shall be subject to regulations prescribed by the Secretary of the Army. Section 6, which deals with minerals, requires that any exploration for or development of minerals within the taking area shall be consistent with the protection and operation of the project and with the interests in land which the United States acquires for project purposes. The Senecas' interest in the lands within the reservoir area is further emphasized by the reverter provisions of section 15.

The Senecas will, under section 7, be permitted to occupy the land being acquired by the Government until January 1, 1965, or such earlier date as reservoir requirements necessitate. During this period they may, under section 8, continue to harvest their crops, remove timber, mine sand and gravel, and salvage improvements. The value of these items will not be deducted from the compensation paid them.

Section 10 authorizes the appropriation of not more than \$250,000 to reimburse the Seneca Nation for expenses which it has incurred in connection with the Allegheny Reservoir project. Attorney fees will be paid under a contract approved by the Secretary of the Interior.

Section 13 of the bill as passed by the House authorized the Secretary of the Interior to use funds provided in section 4 to purchase or acquire through condemnation lands within or outside the Allegheny Reservation for certain tribal purposes. The committee has amended this section to restrict the authority to acquire lands that are within the reservation.

Provision is made that the moneys paid to the nation or to individual members of the nation shall be exempt from income taxes (sec. 17); that they shall not, with certain exceptions, be subject to prior debts, liens, or claims (sec. 3(d)); and that none of the expenditures of the United States under the act shall be considered by way of offset or counterclaim in any claim of the Senecas against the Government except claims arising out of the taking of interests in land for the Kinzua project (sec. 15).

The title of the bill has been changed to reflect that the purpose of the legislation is to provide payments for certain interests in lands rather than to authorize the acquisition of flowage easements and rights-of-way within the Allegheny Reservation.

## TOTAL COST

It is estimated that the total amount involved in H.R. 1794, as amended, is about \$9,126,550. A portion of this amount—particularly that for direct damages as described above—is already available from appropriations made to the Corps of Engineers for construction of the Allegheny Reservoir project. The costs of administering that portion of the bill which concerns the Bureau of Indian Affairs will be borne by appropriations made to that agency. It is expected that these costs will be held to a minimum.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I do not object to this procedure. I wish the RECORD to show, however, that, as a member of the committee, I disagree with the text by which the bill was reported to the Senate. I withhold any personal opposition because the Members of the Senate primarily interested in solving a longstanding problem and interested in

endeavoring to do justice to the Seneca Indian Tribe desire to have the bill proceed to conference. Under the circumstances, I wish the RECORD to show my own position.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to authorize payment for certain interests in lands within the Allegheny Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes."

Mr. JAVITS. Mr. President, the Senator from California [Mr. KUCHELL] is very gracious in allowing the Senate to consider this bill. My colleague [Mr. KEATING] and I have consulted with those who have the deepest interest in this matter—the Seneca Indian Nation through their president, George Heron.

There are certain points to which I should like to direct the attention of the conferees. These deal with matters which I believe the Senator from California has in mind.

However, the Senator from Idaho [Mr. CHURCH] who has handled the bill for the committee, is absent today. He felt that if the bill were passed by unanimous consent, detailed comments on specific aspects of the bill await the presence of those who have been closely connected with the bill.

So in deference to the Senator, I shall not comment in detail at this time, except to reserve the right at a later time this week to make some points with respect to conference to be held on the bill.

In the meantime, I ask unanimous consent to have a brief memorandum printed in the RECORD. We shall be sure to clear the memorandum with the office of the Senator from Idaho [Mr. CHURCH], so as to insure that this statement is in the spirit of assurances given to the Senator, because we most earnestly wish to keep our faith with him.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

On February 7, 1964, the House of Representatives passed H.R. 1794 by voice vote. The House-passed bill provided for compensation and rehabilitation funds in the amount of \$20 million. The bill, reported by the Senate Interior Committee, includes a reduced amount of \$9.1 million.

The committee also added an amendment to the House-passed bill which would require the Tribal Council of the Seneca Nation to submit to the Secretary of the Interior within 2 years from the date of enactment of this legislation for the Secretary's transmittal to the Congress within 90 days, proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe and its members within a reasonable time after the submission of such proposed legislation.

As I have stated previously, I do not believe the reduction of funds or the addition of this amendment are in the best interests of the Seneca Nation. However, in view of the absence from the floor today of the chairman of the Indian Affairs Subcommittee, who has provided committee leadership on this measure, those who intended to comment on H.R. 1794 have been assured that they will have an opportunity later this week to express their views on this bill in the presence of the subcommittee chairman.

In view of the immediate need of the Seneca Nation for these funds because of the relocation requirements resulting from the scheduled October 1, 1964, completion of the Kinzua Dam, I believe this bill must be acted upon as promptly as possible. It is because prompt action is so important to the planning of the Seneca Nation that I favor passage of H.R. 1794 today.

Mr. KEATING. Mr. President, my colleague has correctly stated the arrangement we have made. So I shall also reserve comment until later in the week, when the Senator from Idaho [Mr. CHURCH] will be able to be present.

I express the hope that the House version will prevail in the conference. However, the expression of reasons for that will, under our agreement, come at a later time.

Mr. SCOTT. Mr. President, the Senate Interior Committee has cut by 64 percent House authorized funds (H.R. 1794) to provide compensation to the Seneca Indians for their lands which are to be flooded because of construction of the Allegheny River Dam at Kinzua, Pa.

This deplorable action was taken despite the fact that the Senecas' claim to these lands was embodied in a personal promise of George Washington and sanctified by one of our oldest treaties.

If these people were citizens of some far off "underdeveloped" nation, instead of being among the very first Americans, I have no doubt that their cries of injustice would be echoed and thundered all across the United States. But the Senecas have no such advantage.

And, unlike many countries which have been sustained by our wealth, they cannot threaten Washington with the possibility of accepting Soviet aid.

As a cosponsor of S. 1836, which is similar to the House bill, I deplore the fact that the full amount required to carry out the purposes of the legislation is not now available.

Throughout my years in the House and Senate I have striven for economy in Government. But this cutting action is not economy, it is penury at the expense of a minority of Americans who do not have the financial means to fight back.

Mr. JAVITS. Mr. President, I move that the vote by which House bill 1794 was passed be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

#### SOVIETS THREATEN ALL AMERICANS

Mr. KEATING. Mr. President, the Brooklyn Chapter of the Jewish War

Veterans has recently issued a warning that should be carefully reviewed.

County Comdr. Melvin M. Hurwitz points to the continued instances of anti-Semitism and religious persecution in the U.S.S.R. as a subject for serious consideration by the people of the United States.

He also warns that the Soviet buildup of merchant ships may become an increasingly serious threat to the U.S. merchant marine and our already depressed shipyards.

Mr. President, I ask unanimous consent to have printed following my remarks in the RECORD the text of the statement of Mr. Hurwitz.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### SOVIETS THREATEN ALL AMERICANS

The Jewish War Veterans of Kings County, under the leadership of Melvin M. Hurwitz, county commander, wishes to direct the public's attention to the Soviet economic threat to the world, as well as to their restrictions on religious life as it relates to the Soviet Jew.

Our State Department has suggested that serious thought be given to a "united appeal of private religious organizations representing worldwide Jewry and, if possible, other religious groups, in an effort to ease restrictions placed upon Soviet Jewry by the Moscow government. Reports of death sentences imposed in a secret Moscow trial against a number of persons charged with economic crimes, seven of them Jews, indicated again that the world must know that the American public protests these barbarous acts."

We must be aware that the Soviet Union is actively engaged in a major economic war with the United States at this very moment. Vice Adm. Roy A. Gano, commander of the Military Sea Transportation Service, stated recently that the Soviet Union has presently on order in shipbuilding yards throughout the world, a total of 370 merchant ships, as compared with the United States, who has 45 ships on order. Part of this fleet will be assigned to trade routes for the specific purpose of keeping freight rates abnormally depressed. This will be done in the expectation that most of the established common carriers will curtail their operations, thereby giving the Soviet Union an advantage and possibly causing economic deprivation in our country.

Commander Hurwitz urges the public to consider the daily Soviet threats as a problem for serious consideration.

#### NEW YORK RESOLUTIONS IN FAVOR OF CIVIL RIGHTS

Mr. KEATING. Mr. President, as the Senate begins the debate on H.R. 7152, the civil rights bill of 1963, I offer two resolutions in favor of the bill—one passed by the New York State Legislature, and one by the Common Council of the City of Syracuse. I ask that they be printed in full at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

#### RESOLUTION 58

Concurrent resolution of the Senate and Assembly of the State of New York memorializing Congress to enact civil rights legislation

Whereas the guarantees of civil rights and human dignity pledged in the Declaration of